

# **EXHIBIT**

**A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DR. BRIMA SYLLA et, al.

No.: 23-CV-05261

Plaintiffs,

-against

AMAZON LABOR UNION et. al.

Defendants.  
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**DECLARATION OF CHISTIAN SMALLS**


I, Christian Smalls, hereby declare:

1. I am the Interim president of the Amazon Labor Union. (ALU)
2. I have personal knowledge of the facts stated in this Declaration and if called to testify I could testify to the information contained in it.
3. I was involved in the efforts to revise the ALU constitution starting in May 2022 and finishing in November of 2022.
4. This was the first revision of our initial constitution from October of 2021.
5. The final meeting to revise the Constitution took place in November of 2022 using the zoom platform in which only officers of the union and our attorneys were present.
6. The attorneys were clear that this meeting was covered by attorney client privilege and that no one other than the executive officers were to be present because the officers wanted legal advice regarding the final changes.
7. Michelle Valentin Nieves, who was recording secretary at the time participated in this process and asked our attorneys for their legal opinions and the attorneys provided legal advice.

8. Connor Spence who was still Secretary Treasurer was invited to the meeting but he did not come to it.
9. I considered this meeting with our attorneys to be a privileged confidential conversation and everyone on the zoom call knew it was a privileged attorney client conversation.
10. Indeed, in the beginning of the meeting someone who was not an officer had joined the meeting and that person was asked to leave as to not disturb the privileged nature of the meeting.
11. All the officers knew this meeting was confidential and privileged.
12. In July 2023 shortly before the instant law suit was filed, we were provided with a draft of the complaint.
13. We then had a meeting with only the officers and our counsel to discuss our defense to the lawsuit. Again, it was very clear that the discussion was covered by the attorney client privilege and that all communication was confidential.
14. This was a meeting which was with the officers and the attorneys only. Michelle Valentin Nieves and all the officers participated in the meeting and all including Michelle Valentin Nieves represented she understood it was a confidential meeting where no one else was present.
15. On July 12, 2023 prior to the Court hearing on the Order to Show Cause on July 13, 2023, all the officers met with counsel in their office and planned our defense strategy and response to the lawsuit.
16. We expressed our opinions freely in this meeting and sought legal advice that we expected to be confidential.
17. No one else was present other than the Union's officers and our counsel.

18. Ms. Valentin Nieves drafted her declaration at this meeting after reviewing all the video recordings of the board meetings and downloading the minutes.
19. We all believed this to be a confidential attorney client meeting and all statements made by the officers and the advice of counsel we also considered to be privileged.
20. The union does not waive the privilege that covers these meetings and considers any effort by Plaintiff's counsel Mr. Schwartz to find out more about communications from these meetings and discussions as violating our attorney client privilege.
21. We do not believe Mr. Schwartz should be talking to Ms. Valentin Nieves as she was an officer represented by our attorneys and has privileged information related to this lawsuit.

I declare and certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DocuSigned by:  
  
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Christian Smalls

November 7, 2023  
New York, New York